

IN THE CLAIMS:

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Please cancel Claim 4 and 5, without prejudice to or disclaimer of the
subject matter recited therein.

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1. (Previously Amended) A diffractive optical element comprising:
a first layer having a relief-type grating;
a second layer having a relief-type grating; and
a third layer having a relief-type grating;
said first, second and third layers being formed of different materials;
said diffractive optical element having at least three diffraction optical parts
in the boundary areas of the respective layers;
said diffractive optical element being set so that, at three wavelengths, the
diffraction efficiency thereof for diffracted light of a predetermined order is maximum, said
three wavelengths being 450 ± 20 nm, 550 ± 20 nm, and 650 ± 20 nm.
 2. (Original) The diffractive optical element of Claim 1, wherein at
least one air layer is included among said first, second and third layers.
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3. (Canceled)

4. (Canceled)

5. (Canceled)